(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISC. CIVIL APPLICATION NO. 42 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. J.P. Mulgaonkar, Advocate for the Applicant.

Ms. Norma Alvares Advocate for the original Petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Ms. Sabnis, Addl. Govt. Advocate for the Respondents No.1 to 5 and 7.

Mr. S.D. Padiyar, Advocate for the Respondent No.6.

Mr. M.S. Sonak, Advocate for the Respondents No.9 and 11.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : 9TH FEBRUARY, 2004.

P.C.:

Heard Mr. J.P. Mulgaonkar, learned counsel for the Applicant, Ms. N. Alvares, learned counsel for the original petitioner and Mr. S.D. Padiyar, learned counsel for the respondent No.6.

It appears that the applicant had started the construction of his

house in the property bearing Chalta No.34 of P.T. Sheet No.47 at Xelpem, Mapusa, Bardez, Goa prior to the filing of the Writ Petition No.286/2003. During the pendency of the Writ Petition and till the interim order of this Court came to be passed on 2nd July, 2003, the applicant has completed the construction of the ground floor. The applicant applied for issuance of the occupancy certificate. However, the Mapusa Municipal Council declined to grant occupancy certificate to the applicant in view of the interim order passed by this Court.

Since the applicant has completed the construction of the ground floor, the photograph of which is annexed to this petition at Annexure 'H', we feel that the applicant should be granted the occupancy certificate.

Accordingly, this application

is allowed to this extent by directing the Mapusa Municipal Council to issue occupancy certificate to the applicant in respect of the ground floor. It is however made clear that the grant of the occupancy certificate to the applicant would be subject to the final outcome of the Writ Petition. It is further directed that the applicant shall maintain status quo in respect of further construction.

Misc. Civil Application allowed accordingly.

NISHITA MHATRE, J.

P.V. HARDAS, J.

sl.